



PATENT
Attorney Docket No. 0626-0004.04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Igor V. Barsukov, et al.

Serial No: 10/658,481

Filed: September 9, 2003

Art Unit: 1745

Examiner: Tracy Mae Dove

For: ENGINEERED CARBONACEOUS
MATERIALS AND POWER
SOURCES USING THESE
MATERIALS

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner for Patents
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DATE: April 14, 2005

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SIGNATURE: Christine Barglik

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DECLARATION OF IGOR V. BARSUKOV

I, Igor V. Barsukov, hereby disclose as follows:

1) I am one of the inventors of the invention described in the above-identified application.

2) I have reviewed the Office Action dated November 3, 2004, received in connection with the above-identified application. In the Office Action, rejection of the claims was made for failing to provide a sufficient disclosure of a mixture of an expanded graphite with a "non-expanded" graphite. Specifically, the Examiner notes that the specification does not even recite the term "non-expanded."

3) Claim 1 of the pending application calls for an engineered carbonaceous material comprising a mixture of expanded graphite and one or more graphite materials selected from the group consisting of natural flake graphite, natural vein graphite, amorphous graphite, and synthetic graphite. A person skilled in the art would understand that each of natural flake graphite, natural vein graphite, amorphous graphite, and synthetic graphite is a “non-expanded graphite.”

4) I understand that the Examiner has also rejected the claims pending in the application as being anticipated by Davis et al. U.S. Patent No. 6,451,486, which has a filing date of May 1, 2000.

5) Attached hereto as Exhibits 1 and 2 are documents, each having a date indicating that they were created prior to May 1, 2000, thus showing that Applicant had possession of the claimed invention prior to the filing date of Davis et al. For present purposes, the dates of these individual documents comprising Exhibits 1 and 2 are redacted.

6) Exhibit 1, entitled “Engineered Graphite Blending Project,” discloses mixtures of expanded graphite with non-expanded graphite for use in alkaline batteries, specifically for the cathodes thereof, ranging from 100% expanded graphite and 0% non-expanded graphite to 0% expanded graphite and 100% non-expanded graphite. In Exhibit 1, the graphites comprising the blends are identified by a code number. Specifically, “2935 AP” and “2939 AP” both refer to a non-expanded flake graphite. “GA-17” and “ABG-15” both refer to an expanded flake graphite. Mixtures of 75% expanded/25% non-expanded, 50% expanded/50% non-expanded, and 25% expanded/75% non-expanded are also disclosed.

7) With reference to Exhibit 2, “EBG-20” refers to a 100% expanded natural flake graphite product. “EBG-30” refers to a mixture of 50% natural crystalline flake graphite and

50% expanded natural flake graphite; "EBG-50" is a mixture of 49.3% expanded natural flake graphite and 50% of natural crystalline flake graphite; "EBG-60" is a mixture of 50% natural crystalline flake graphite and 50% expanded natural flake graphite; "EBG-70" is 50% natural flake graphite and 50% expanded natural flake graphite. Each of EBG-20, EBG-30, EBG-50, EBG-60, and EBG-70 is also identical in Exhibit 1. EBG-50 is also identified on page 15 of provisional application U.S.S.N. 60/187,306, filed March 6, 2000.

I. Barsukov.

Igor V. Barsukov

4/13/05

Date